

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**JAMES D. EVANS,**

**Plaintiffs,**

**v.**

**CITY OF PHILADELPHIA, et al.,**

**Defendants.**

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**Civil Action  
No. 2:22-cv-01411**

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, upon consideration of Defendants' Motion to Extend Case Deadlines, it is hereby **ORDERED** that the Motion is **GRANTED**. All deadlines in the Court's December 20, 2022, Scheduling Order are extended by sixty (60) days.

**BY THE COURT:**

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**JUAN R. SANCHEZ, CHIEF JUDGE**

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**JAMES D. EVANS,**

**Plaintiffs,**

**v.**

**CITY OF PHILADELPHIA, et al.,**

**Defendants.**

**Civil Action  
No. 2:22-cv-01411**

**DEFENDANTS CITY OF PHILADELPHIA, COMMISSIONER OUTLAW,  
COMMISSIONER CARNEY, THE WARDEN OF THE PHILADELPHIA  
DETENTION CENTER, AND THE WARDEN OF  
CURRAN-FROMHOLD CORRECTIONAL FACILITY’S  
MOTION TO EXTEND CASE DEADLINES**

Defendants, City of Philadelphia, Commissioner Danielle Outlaw, Commissioner Blanche Carney, the Warden of the Philadelphia Detention Center, and the Warden of Curran-Fromhold Correctional Facility (collectively “Moving Defendants”), by and through undersigned counsel, hereby move to modify and extend by 60 days the deadlines in the Court’s December 20, 2022, Scheduling Order pursuant to Federal Rule of Civil Procedure 16(b)(4). Pro se Plaintiff, James Evans, has been contacted regarding the requested relief, but to date Plaintiff has not responded to undersigned counsel’s outreach.

Rule 16(b)(4) provides that a scheduling order may be modified for good cause and with the Court’s consent. Fed. R. Civ. Proc. 16(b)(4). Per the Court’s December 20, 2022, Scheduling Order all fact discovery was to be completed by April 17, 2023, and dispositive Motions are due May 22, 2023. (ECF No. 19).

Undersigned counsel entered his appearance on behalf of Moving Defendants on December 14, 2022. (ECF No. 17). Shortly thereafter, on December 27, 2022, Plaintiff communicated with

the Court via email correspondence. (ECF No. 20). On December 28, 2022, undersigned counsel made outreach to Plaintiff via email correspondence and provided Plaintiff with a copy of the Court's Scheduling Order. (ECF No. 19). Also on December 28, 2022, undersigned counsel was able to communicate with Plaintiff via telephone and followed up with Plaintiff via email correspondence. Plaintiff responded to the email correspondence on December 28, 2022. Thereafter, Plaintiff ceased all communication with undersigned counsel regarding the present matter.

Undersigned counsel has made numerous attempts to contact Plaintiff via telephone and email correspondence but to date Plaintiff has not responded to outreach. On January 5, 2023, undersigned counsel provided via email correspondence, as well as via the Court's electronic filing system, a letter respectfully submitting Moving Defendants did not oppose Plaintiff's letter (ECF No. 20) being placed under seal. (ECF No. 22). Plaintiff was included in the email correspondence and provided no response. On January 17, 2023, the Court issued an order placing Plaintiff's letter under seal (ECF No. 24) and provided a copy of the order to Plaintiff and undersigned counsel via email correspondence on January 18, 2023.

On January 26, 2023, undersigned counsel made outreach to Plaintiff via email correspondence requesting Plaintiff's position on a joint application to stay the present matter or otherwise provide a mailing address for purposes of discovery. Plaintiff provided no response. On March 3, 2023, undersigned counsel made outreach to Plaintiff via email correspondence requesting Plaintiff's availability for purposes of scheduling his deposition. Plaintiff provided no response. On March 21, 2023, undersigned counsel provided Plaintiff with a Notice of Deposition scheduled for March 31, 2023, as well as a cover letter including the date, time, and location of the deposition, and requested Plaintiff's confirmation of receipt and response. Plaintiff provided

no response and failed to appear at his March 31, 2023, deposition. Plaintiff's failure to appear was placed on the record at that time. On April 4, 2023, the Philadelphia Department of Prisons confirmed that Plaintiff was last released from custody on June 14, 2022, and is not currently incarcerated. Attempts to contact Plaintiff via telephone have yielded no response.

For the reasons stated above, Plaintiff has failed to meaningfully engage with Moving Defendants' attempts to seek discovery in this matter. Based on Plaintiff's own admissions made in his December 27, 2022, letter (ECF No. 20) – now under seal – and Plaintiff's own actions it is unclear whether Plaintiff wishes to participate in his case. However, Moving Defendants, through undersigned counsel, have continued to make outreach to Plaintiff in good faith. Dispositive motions in this matter are due on May 22, 2023. Additional time to conduct discovery and obtain more information regarding this case will permit Moving Defendants to meaningfully defend against Plaintiff's allegations at the dispositive motion stage. Furthermore, the discovery deadline in this matter was April 17, 2023, and the matter is in the July 17, 2023, trial pool. Accordingly, Moving Defendants would be prejudiced if required to prepare and proceed with trial under the deadlines of the existing scheduling order.

Moving Defendants respectfully request the Court extend the current deadlines 60 days, as described in the attached proposed order, or grant such other relief as the Court deems just.

Date: May 5, 2023

Respectfully submitted,

/s/ Jonah Santiago-Pagán

Jonah Santiago-Pagán

Assistant City Solicitor

Pa. Attorney ID No. 326442

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below the foregoing Defendants' Motion to Extend Case Deadlines was filed via the Court's electronic filing system and is available for downloading. A copy of the foregoing Defendants' Motion to Extend Case Deadlines has been emailed to Plaintiff at jamesdevans2111@gmail.com<sup>1</sup>.

Date: May 5, 2023

Respectfully submitted,

/s/ Jonah Santiago-Pagán  
Jonah Santiago-Pagán  
Assistant City Solicitor  
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<sup>1</sup> Plaintiff, James D. Evans, has represented to the undersigned that he does not have a mailing address. Therefore, the foregoing Defendants' Motion to Extend Case Deadlines has been sent to Plaintiff, James D. Evans, at his known email address. Plaintiff's known email address is the only manner of service known to the Moving Defendants. The filing party will mail the instant Motion to Extend Deadlines to Plaintiff upon Plaintiff providing a new mailing address.